

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRIAN SMITH and LYNN Z. SMITH,

Plaintiffs,

v.

MB MUTUAL HOLDING COMPANY, et
al.,

Defendants.

Civ. No. 18-11297

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

IT APPEARING that Plaintiff Brian Smith has filed a Motion for Recusal (ECF No. 14);
and it further

APPEARING that a judge must recuse herself where her “impartiality might reasonably
be questioned,” “[w]here [s]he has a personal bias or prejudice concerning a party,” and in other
circumstances, 28 U.S.C. § 455; *see also* § 144; and it further

APPEARING that “judicial rulings alone almost never constitute a valid basis for a bias
or partiality motion,” *Liteky v. U.S.*, 510 U.S. 540, 555 (1994); and it further

APPEARING that the Motion alleges “Error[,] Incompetence[,] Incapacity[,] Bias[,] Or
Judicial Collusion” (Mot. at 4), but cites as evidence only past rulings (*see, e.g., id.* at 2 (“the
way you have handled my wife’s appeals”), 3 (“you have made rulings”), 5 (“you erred . . . when
you ruled”));

IT IS on this 12 day of March, 2019,

ORDERED that Plaintiff Brian Smith’s Motion for Recusal (ECF No. 14) is DENIED.


ANNE E. THOMPSON, U.S.D.J.